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25 **UNITED STATES DISTRICT COURT**
26
NORTHERN DISTRICT OF CALIFORNIA
27

28 **SAN FRANCISCO DIVISION**

1 **IN RE GOOGLE PLAY STORE**
2 **ANTITRUST LITIGATION**

3 THIS DOCUMENT RELATES TO:
4 *Epic Games, Inc. v. Google LLC et al.*, Case
5 No. 3:20-cv-05671-JD
6 *Match Group, LLC et al. v. Google LLC et al.*,
7 Case No. 3:22-cv-02746-JD
8 *In re Google Play Consumer Antitrust*
9 *Litigation*, Case No. 3:20-cv-05761-JD
10 *State of Utah et al v. Google LLC et al.*, Case
11 No. 3:21-cv-05227-JD

12 Case No. 3:21-md-02981-JD

13 **DECLARATION OF GENARO LOPEZ**
14 **IN SUPPORT OF DEFENDANTS'**
15 **REPLY TO PLAINTIFFS' RESPONSES**
16 **TO MINUTE ORDER QUESTIONS**

17 Judge: Hon. James Donato

18 DECLARATION OF GENARO LOPEZ IN SUPPORT OF DEFENDANTS' REPLY TO PLAINTIFFS' RESPONSES TO
19 MINUTE ORDER QUESTIONS

20 Case Nos. 3:21-md-02981-JD; 3:20-cv-05671-JD; 3:22-cv-02746-JD

1 I, Genaro Lopez, declare as follows

2 1. I am currently the Information Governance Lead for Defendant Google, LLC
3 (along with Google-affiliated entities, “Google”). I have been employed by Google since
4 October 2019 and have held my current position since the beginning of my employment. Over
5 the course of my employment at Google, I have acquired personal knowledge of Google’s
6 practices and procedures concerning information governance programs to ensure that Google
7 appropriately manages the information that it maintains and uses for business operations.

8 2. I have reviewed the portion of Plaintiffs’ January 24, 2023 filing that says that the
9 following statement in a November 11, 2021 letter from Google to Plaintiffs is inaccurate:
10 “With respect to the technological processes required to be taken by individuals to preserve chats
11 or instant messages following their receipt of litigation holds, Google responds that the
12 technological settings on Google’s chat retention policy (see Exhibit A) did not change, as
13 Google does not have the ability to change default settings for individual custodians with respect
14 to the chat history setting. See Exhibit B, Google Workspace Admin Help page re: chat history.
15 Specifically:

16 i. Google’s default settings for chat history for the entire organization is set to
17 off;
18 ii. Google employees need to apply the “history on” setting on a chat-by-chat
basis; and
iii. Settings for chat history are set by each individual custodian.”

19 3. I have also read that Plaintiffs point to my testimony at the January 12, 2023
20 hearing to suggest that I agree that the November 11, 2021 statement is inaccurate. Plaintiffs are
21 incorrect, as I believe the above November 11, 2021 statement is accurate. Neither the Google
22 Chat product nor Google’s legal hold tool, Vault, have functionality that would allow Google to
23 change default history settings on an individual-by-individual basis.

24 4. Consistent with my testimony provided on January 12, 2023, there are
25 organizational units or groups, to which users can be added and default history can be changed at
26 a group level. To the best of my knowledge, Google does not use, and has never used these

1 groups for chat preservation. And, consistent with my testimony, these groups have limitations
2 and drawbacks.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
4 26th day of January 2023 in San Francisco.

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6 DocuSigned by:
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Genaro Lopez

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